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REPORT ON THE PUBLIC HEARING ORGANIZED BY THE COMMITTEE ON FISHERIES OF THE EUROPEAN PARLIAMENT  
ON THIS ISSUE OF REGIONALIZATION IN THE CONTEXT OF THE CFP REFORM.

Brussels 21<sup>st</sup> March 2012

The Public Hearing was held at the European Parliament headquarters in Brussels in the afternoon of 21<sup>st</sup> March 2012, from 15.00 to 18.00. On behalf of RAC MED, the Chair Mourad Kahoul and the Executive Secretary were present.

Mrs Ulrike Rodust, Rapporteur on the proposal for a regulation of the European Parliament and of the Council on the Common Fisheries Policy opened the hearing informing those present that, in the working document on the reform of the CFP, it is requested that the RAC consultations should be binding and it is further underlined that it is crucial to improve cooperation and achieve greater equality between the Member States. On a final note it was stated that the control mechanisms need to be managed at regional level.

Mr Ernesto Penas, the representative of DG MARE, introduced the issue of regionalisation, stating that the EC's intention is that of moving away from micromanagement by Brussels, thus decentralizing, and in the formulation of the proposal the EC will not attempt to enter into great detail, respecting the constraints of current legislation (the Treaty of Lisbon).

According to the EC, the process of regionalisation should be gradual so that there is sufficient time to begin with specific cases and develop them. This process is a voluntary system and therefore depends on the effective motivation of the Member States. An example of regionalisation is present in the Skagerrak area to eliminate discards, thanks to the collaboration between Sweden, Denmark and Norway and not to EC guidance. Mr Penas closed his intervention stating that in the basic regulation for the future CFP it will be necessary to have a wider legal basis. It is fundamental for the EC that the decentralisation of the Member States takes place with the consultation of the RACs. In reply to Mrs Rodust on the matter of the control mechanisms in place, he stated that the work carried out by the Community Fisheries Control Agency in Vigo is already organised on a regional basis.

A summary of the most interesting interventions by the participants in the regionalised CFP follows.

-Brian O'Riordan, Secretary, Belgium Office, International Collective in Support of Fishworkers (ICSF): the small scale fisheries sector plays a crucial role at regional level; in particular it is strategically important in the peripheral areas in particular, and it is also a sector with low carbon consumption. Mr O'Riordan affirmed that TFCs are in opposition to the directives for small scale fisheries; TFCs are a risk because they favour the requirements of large businesses. Moreover he recalled that in the Mediterranean area a ban on discards would be a problem for juveniles. Directives such as those on TFCs and the discard ban should be decided at local level and the regionalisation process must take these differences into due consideration.



Another aspect that should be underlined is that the EC definition of small scale fisheries does not contemplate local characteristics and therefore a definition should be sought that takes account of regional differences, thus including several parameters such as flexibility of length and of gear.

He concluded with the example of regionalisation given by the Mediterranean Platform of Artisanal Fishers, which has proposed the elaboration of co-management plans by co-management committees (also involving fishers) which would provide the possibility of implementing long term management measures agreed between the authorities and the actors. An interactive approach to governance was proposed, divided into three levels: first order (local level) tasks involve the identification of everyday problems; second order responsibilities (National and Regional level) are largely concerned with institutional arrangements; and third order or meta-governance functions involve elaborating the values, principles and criteria that guide policy making.

-José Manuel Sobrino Heredia (professor of Public International Law at the University of A. Coruña, Spain): a presentation was given examining decentralization/regionalisation from a legal point of view. Zonal management could be achieved with the principle of subsidiarity or regionalisation and decentralisation to favour efficient public management. However decentralising and regionalising means going beyond the RACs and so it is necessary to create new organisms/management committees which would participate directly in the legislative procedures. Where terminology is concerned it was underlined that:

Governance means coherent public action through the adoption of methods of coordination on separate, clearly defined levels. Subsidiarity means the principle by which the EU intervenes if its intervention improves efficiency, in the case of fisheries the EC has exclusive competency where resources are concerned and therefore this case does not concern the fisheries sector. Decentralisation means recognised autonomy.

To achieve regionalisation it is necessary to go one stage further than decentralization because legislative competencies are also involved. It was further stated that the decentralisation or regionalisation process requires greater attention from all the actors according to the fishery activity. If this route is chosen then it should lead to strengthened cooperation and therefore a body such as a “mini coreper” should be created – a regional management committee that would encompass the 7 RACs, involving the Member States, researchers and the EC with no voting rights. The committees would be autonomous where decision making is concerned. The intervention concluded by asking what was meant by regionalisation in the reform of the CFP. Together with the RACs a regional management committee should be created within the limits of the treaty.

-Juan Manuel Trujillo (Chair of the fisheries section of the European Transport Workers’ Federation (ETF): the intervention began with the statement that it is not clear how regionalisation would be implemented, given that widening the role of the RACs is not compatible with the Treaty. The non-paper on regionalisation does not clarify much about which actors should be involved by the Member States, this should be explained. The RACs should represent the totality of the relevant stakeholders. Workers, through their trade unions, must be recognized in a primary role in the consultation process together with the RACs avoiding fragmentation in the representation of interest.

The composition of the RACs should be tailored according to the geographical area. Resources should therefore be made available to make sure that all those who have a legitimate interest have the possibility to access the consultative process and actively contribute to it. He proposes the organization of internal debates, such as the ACFA, in preparation of participation in the advisory process.

-Mr Victor Badiola, Chair of the South Western Waters RAC, read a common statement issued by all 7 RACs (see attachment), and at the end of his intervention he communicated the specific position of five of the RACs, among which RAC MED, on the issue of regionalisation.

After these presentations the floor was opened to debate the issues in question:

Mrs Ana Miranda expressed her agreement with the joint RAC document on the fact that the current reform is still too centralist, she would opt for co-management which is the best indicator of good governance. It was suggested



that decentralization be further studied especially for traditional fisheries and lastly it was stated that more resources are required for sustainable fisheries.

Mrs Carmen Fraga Estévez declared that the EC proposal on the new forms of regionalisation are not credible. She further stated that ideas have been proposed that could improve decentralisation or regionalisation but asks whether the EC views the suggestion to set up management committees favourably and whether there are any legal objections. She expressed her agreement with Mr Badiola on the fact that the RACs should have a more important role and that they should also include scientists. Moreover, consulting the RACs should be mandatory and their opinions should be formally recognized, if there are differences between the opinions of the European bodies this should be communicated.

Replies :

Mr Ernesto Penas EC: the EC has examined all the mechanisms for the implementation of regionalisation. The idea of creating bodies such as “mini Coreper” poses two problems: what role would the European Parliament have in all the decentralised decisions? A further consideration concerning the decisions to formalise how to manage pelagic fisheries with the “mini Corepers”? This model has some problems. It was stressed that all parties want to see regionalisation implemented, partly to simplify matters, however if this means creating new intermediary bodies in addition to the existing ones, the CFP will end up even more complicated from an administrative point of view. Where the role of the RACs are concerned Mr Penas informed those present that the EC is preparing a document encompassing the ideas in Mr Badiola’s presentation on the improved definition and strengthening of the role of the RACs. He concluded by reaffirming that when it is necessary to specify what regionalisation means all parties wish to avoid overly centralised decisions but the discussions on the effective implementation of regionalisation creates a paradox.

The representative of the European Parliament’s legal service pointed out that article 2 of the Treaty states that the only interlocutors of the EC are the Member States, competencies are only conferred to the Member States and therefore the EU can only directly delegate powers to the MS. This means that the EC cannot delegate to bodies that are below Member State level and therefore decision making bodies such as “mini Coreper” cannot be created. This does not, however, exclude the parallel existence of other regionalisation systems which support the EU in its direct management of the CFP without mentioning micro-management. In this way a combination of some competencies conferred on the MS could see the participation of other bodies such as the STECF, this would mean the direct implementation of EU competencies with the EC for the daily management of such policies with the greater participation of the interested parties. On a final note it was stated that the current basic regulation, article 4.2 and 33 obliges the EC to acknowledge RAC opinions and those of the technical and scientific committees in the formulation of proposals, however this requirement is not present in the new EC proposal and therefore he suggested its reintroduction.

Conclusions

Mrs Ulrike Rodust, Rapporteur on the proposal for a regulation of the European Parliament and of the Council on the Common Fisheries Policy closed the hearing with the declaration that all parties wish to achieve a more responsible and functional CFP, the aim is to pay attention and elaborate a framework to accomplish regionalisation.

Rosa CAGGIANO  
Executive Secretary

